

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KIAN AMARI WILLIAMS,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RASHEDA AISHA WILLIAMS,

Respondent-Appellant,

and

ANTONIO A. BAKER,

Respondent.

In the Matter of KIAN AMARI WILLIAMS,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ANTONIO A. BAKER,

Respondent-Appellant,

and

RASHEDA AISHA WILLIAMS,

Respondent.

UNPUBLISHED
July 10, 2008

No. 280744
Wayne Circuit Court
Family Division
LC No. 96-336201-NA

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Before: Owens, P.J., and O’Connell and Davis, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one statutory ground for termination pursuant to MCL 712A.19b(3) has been established by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). If the trial court determines that petitioner established at least one statutory ground for termination by clear and convincing evidence, the trial court must terminate a respondent’s parental rights “unless there exists clear evidence, on the whole record, that termination is not in the child’s best interests.” *In re Trejo Minors*, 462 Mich 341, 353–354; 612 NW2d 407 (2000). We review a trial court’s decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999).

This matter came to the court’s attention after the then 14-month-old minor child was seriously injured when a police vehicle struck the car in which he and the respondent mother, Rasheda Williams, were passengers. The child was not in a car seat, as Michigan law requires, and he was thrown through the windshield and suffered brain injury. Williams has cognitive limitations and her rights to another son had been terminated because she was unable to properly care for him. At the time of adjudication, neither respondent had suitable or independent housing or income; the respondents resided with Williams’ mother (the child’s maternal grandmother), who had a history with protective services regarding her own children. The respondents entered into a parent agency agreement and were provided with services, including therapy, employment and housing assistance, and parenting classes. The respondent father, Antonio Baker, also received referrals for substance abuse assessment and treatment to deal with his alcohol abuse.

At the time of the termination hearing, over two years after the child entered the court’s temporary custody, neither parent had substantially complied with and adequately benefited from the court’s requirements. Accordingly, the trial court did not clearly err when it found by clear and convincing evidence that termination of respondents’ parental rights was appropriate pursuant to MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j).

Both respondents had failed to provide proper care for the child by allowing him to ride in the backseat of a moving car without proper restraints. Although Williams contends that the car accident was not her fault, the child’s injuries were not the result of anything she did, and the child would not have come to the court’s attention if the accident had not occurred, she does not acknowledge that her failure to secure the child in a car seat contributed to the child being thrown through the windshield of the car and incurring serious head trauma. Although Baker argues that the child was not physically in his care when he was injured and the child had otherwise been well cared for, he acknowledged that he knew that Williams had cognitive limitations and that she occasionally buckled the child into the back seat of a car rather than securing him in a car seat. As the child’s parent, Baker had the responsibility to intervene when

he was aware that Williams sometimes placed the child in a potentially harmful situation. Therefore, he also failed to prevent physical injury to the child, although he had the opportunity and responsibility to do so. Because neither respondent takes responsibility for their respective roles in causing the child's severe injuries, the trial court did not clearly err in finding a reasonable likelihood that the child would suffer injury in the foreseeable future if placed with either respondent. Accordingly, termination was appropriate pursuant to MCL 712A.19b(3)(b)(ii).

Additionally, both respondents failed to provide appropriate housing for the child. Williams lived with her mother, who had a history of involvement in protective services regarding her own children. Baker had no permanent housing and lived with a friend at the time of the termination hearing. Although Williams received Supplemental Security Income, Baker had no legal source of income. Further, neither respondent exhibited the ability to properly parent the child. Williams completed parenting classes and attended individual therapy but was unable to show that she benefited from those services, and she was unable to even initiate interaction with the child during visitation. Further, her visitation was sporadic because of transportation issues and she did not attend all the child's medical and therapy appointments. Professionals testified that Williams' ability to parent the child would not improve with additional services or with time. It was apparent that she could not parent the child on her own, and neither her mother nor Baker was an appropriate parenting partner. A relative came forward and offered to serve as guardian to both Williams and the child, but Williams did not present a plan that would allow this.

Baker failed to substantively address his alcohol abuse by the time of the termination hearing, although the court warned him that failure to do so would result in loss of his parental rights. Baker continued to drink, and he attended one visitation under the influence and smelled of alcohol at least once in court. Further, Baker was not in compliance with the required weekly random drug screens, instead providing screens on the day he visited the child at the agency, not on the random day requested. Although Baker interacted appropriately with the child and appeared bonded with him, he did not attend all the child's medical and therapy appointments.¹

Williams' low cognitive level and inability to benefit from parenting classes or therapy, Baker's continued alcohol abuse, and both respondents' inability to provide suitable housing or attend the child's medical appointments indicate their inability to provide proper care and custody for this special needs child. Accordingly, termination under MCL 712A.19b(3)(g) is appropriate. Further, respondents' inability to understand their contribution to the child's injuries in the car accident, Williams' cognitive limitations, and Baker's alcohol abuse indicate that a danger exists that respondents will fail to take proper precautions to ensure the safety of

¹ Baker argues that he received minimum assistance from the agency and that numerous workers did not follow through on referrals for what the court required of respondents. Although there were several caseworkers involved in the case, resulting in a lack of consistency with the workers, the evidence showed that Baker received services to assist him with meeting the requirements of his parent-agency agreement. Moreover, it is disturbing that Baker now seeks to place blame on the agency when he blatantly defied the court order to provide weekly random alcohol screens and to participate in an alcohol abuse assessment.

the child. Accordingly, termination is also warranted pursuant to MCL 712A.19b(3)(j). Finally, neither respondent exhibited significant improvement in these areas from the time of adjudication to the date of the termination hearing, warranting termination pursuant to MCL 712A.19b(3)(c)(i).

Furthermore, the evidence did not establish that the child's best interests precluded termination of respondents' parental rights. No evidence indicated that Williams had a bond with the child. Instead, the evidence showed that she could not even initiate interaction with the child during visitation. She was also unable to care for the child on her own and professionals testified that her ability to parent would not improve if she received additional services or had more time. Although the child and Baker were bonded and Baker's interactions with the child were appropriate, these factors did not outweigh his inability to provide an appropriate home for his child. The child had been in care for over two years after suffering a closed-head injury and required significant care to meet his needs. He deserved be provided with that care in a consistent, stable, and safe environment, which neither respondent could provide.

Affirmed.

/s/ Donald S. Owens
/s/ Peter D. O'Connell
/s/ Alton T. Davis